

Minutes
DAGSBORO TOWN COUNCIL
Bethel Center - 28307 Clayton Street
Monday, October 18, 2021

I. CALL MEETING TO ORDER

Meeting was called to order by Mayor Baull at 6:00 p.m.

In attendance were: Mayor Brian Baull, Vice-Mayor William Chandler, Councilwoman Theresa Ulrich, Councilman Patrick Miller, Chief Steven Flood, and Town Administrator Cynthia Brought. Councilman Norwood Truitt was absent. There were no attendees other than what is listed therefore no sign in sheet is attached.

II. PUBLIC COMMENT

No public comment was made.

III. APPROVAL OF MINUTES

September 20, 2021 Town Council Meeting

Vice-Mayor Chandler made a motion to approve the minutes as presented. Councilman Patrick Miller seconded the motion. The vote was 4-0 with one council member absent.

IV. CONSENT AGENDA

a. Police Report

Chief Flood stated that the traffic arrests remain in the 300-400 mark with officers being generous with warnings. He was pleased with National Night Out turn out considering the weather and COVID. This month there are a lot of Trunk-or- Treats coming up and they are trying to participate but he will not leave the Town without coverage to attend these events.

Chief Flood advised that he and Sargent Disciullo have almost \$29,000 in grants secured or on the verge of being secured for the department. Vice-Mayor Chandler asked if any of the grant money was from the CJC grants and Chief Flood stated that yes they are CJC grants. They are split up into three different grants one for \$10,000, one for \$15,000, and the last one for \$3,500. Mayor Baull asked what the department uses the grants for. One grant is left over COVID grant money which will be used for uniforms and equipment. The \$15,000 dollar grant is a CJC grant which will be used for equipment and supplies. The \$3,500 dollar grant will be used for two new body cameras which will bring the department total to seven.

Mayor Baull stated that he agreed that the National Night Out was very successful and everyone did a great job.

- b. Treasurer's Report
- c. Administrative Report
- d. Building Official Report
- e. Code Enforcement Report
- f. Meeting Reports
- g. Water Department Report
- h. Prince George's Chapel Cemetery Report
- i. Correspondence

Town Administrator Brought stated that if Council accepts Janice Kolbeck for P&Z that we would need a replacement for the Board of Adjustment as Janice would be stepping down from that position.

Town Administrator Brought asked Vice-Mayor Chandler if he had a chance to look at the Ag ditch since it has been redone. He stated "no he had not." Town Administrator Brought stated that she had and felt that it looks better. Town Maintenance, Joe Quinn, will rent a machine that tills both sides of the Ag ditch to level it out. She stated that trash will end up back in the ditch. Vice-Mayor Chandler asked if the adjoining property owners were going to be asked to maintain their portion of it. Town Administrator Brought stated that she felt a letter should be sent to those adjoining property owners advising that it has been cleaned out and they are to maintain it going forward.

Councilwoman Ulrich asked if we had a response from the Town of Millsboro. Town Administrator Brought confirmed nothing yet and she felt that they would discuss it at their next Town Council meeting. Vice-Mayor Chandler stated that Town Solicitor Morris should follow-up with Mary Schrider-Fox to see when we could expect a response as we only had a few changes. He stated that if they meet in November and come back with more changes, we say "fine," we are turning Millsboro's valve off and turn Artesian's valve on.

Town Administrator Brought stated that Calvin Ward approached town hall in regard to Prince George's Cemetery corner markers. She stated that he is missing two corner markers and is stating that the Town removed two of the markers and never replaced them. She stated that he said this happened in the 70's and has never been resolved. She is going to call Melson's Funeral Home as it seems that those that were buried there were through the funeral home prior to Melson's buying it. She has checked the files and there is nothing stating that his corner markers were removed for any reason. We do not have minutes that go back that far readily available. She is looking for guidance as Mr. Ward did say that if we don't take care of it and pay for them that he will get an attorney. Vice-Mayor Chandler asked what the cost of the corner markers would be. Town Administrator Brought stated that for two of them its \$250. The Town Council was in favor of doing more research to see if we could find an answer and if we cannot to replace the markers at the cost of \$250 rather than having an argument about it.

Councilwoman Ulrich made a motion to approve the consent agenda. Councilman Miller seconded the motion. The vote was 4-0 with one council member absent.

V. PLANNING & ZONING REPORT

Recommendation to Fill Vacancy on Planning & Zoning Commission – Janice Kolbeck Application
– Resignation Board of Adjustment

Town Administrator Brought stated that the Planning & Zoning Commission did vote to recommend her for the position. Vice-Mayor Chandler asked if he was correct that she had been on P&Z before. Town Administrator Brought stated yes she had. She stated that she helps out with elections and is knowledgeable about what goes on in the town.

VI. NEW BUSINESS

a. Discussion/Possible Appointment Planning & Zoning Commission

Vice-Mayor Chandler made a motion to approve the recommendation of Janice Kolbeck to the vacancy on the Planning & Zoning Commission. Councilwoman Ulrich seconded the motion. The vote was 4-0 with one council member absent.

b. Solicitation of Candidates – Term Ending 12/2021 (Brian Baull, Theresa Ulrich, Patrick Miller)
Candidates File to Run for Town Council by Friday, November 12th; Schedule Meeting within five (5) days of closing of applications to approve candidates; Election scheduled for Saturday, December 4th, 2021 at the Dagsboro Firehouse 1-5 p.m.

Town Administrator Brought stated that she has ordered the voting machines. She stated that Mayor Baull and Councilwoman Ulrich have re- applied and no one else has filed to date. She stated that it is in the paper and posted around the Town.

c. Upcoming Holiday Events – Christmas Tree Lighting, Christmas Parade, Santa in the Park.

Mayor Baull stated that we are not doing the ceremony for the Christmas Tree Lighting, but the tree and the town lights will all be turned on Thanksgiving weekend. He felt that participation becomes less and less as Thanksgiving weekend is not the best time to have it. He stated that the Christmas parade will be on Tuesday, December 14th, 2021 at 7 p.m. Santa in the Park will be on Mondays and Wednesdays from 4:30 – 6:30 p.m. starting on December 6th through December 22nd.

Mayor Baull stated that the Prince George's Chapel's Harvest Day event is on Sunday, October 24th, 2021 starting at 1 p.m. The chapel will be open for tours and the Sons of Thunder Gospel Group will be performing at 3 p.m.

Mayor Baull stated that trick-or treat is scheduled for the Town on Saturday, October 30th, 2021 from 6 – 8 p.m. and the inclement weather date will be Sunday, October 31st, 2021. The Dagsboro Fire Department is hosting a trunk-or-treat for anyone that would like to participate on October 30th, 2021.

VII. OLD BUSINESS

- a. Draft Ordinances – Review/Discussion
 - Future Infrastructure Fund
 - Good Standing

Vice-Mayor Chandler stated that he raised these ordinances in July and Town Solicitor Morris has been working on them. He stated that the easiest one to understand is the Financial Good Standing Ordinance. It is just what it sounds like; anyone who applies to the town for any type of permit, license, or water connection has to have all bills/debts owed to the town paid and current. If money is owed to the town then we do not accept their request until the bill/debt is satisfied. He stated that if the party thinks that the town clerk is mistaken and their bills are paid then there is a hearing/appeal process through Town Administrator Brought and ultimately to the Town Council if someone felt that they were being treated unfairly.

Vice-Mayor Chandler stated that the other two ordinances are sort of related. One of the ordinances would create a separate line item in our budget for street repair and/or replacement and would be for flooding, potholes, or problems with street lights that need to be repaired. All of those repairs would come from this trust fund as it is dedicated for that. Other towns have this and he felt that it was a way to plan ahead. For example, the town gets \$21,000 in municipal street aid. Those monies would go into this trust fund and you might dedicate 10% or 20% of your transfer tax fund into this fund to build the fund up if there was a major problem down the road.

Its companion is the Emergency Trust Fund, which is a fund that you would use in the event of a catastrophic event. The Town Council could vote to apply and invade that fund for any particular reason they wanted to. There would be a line item created in the budget for this fund to be maintained year after year. He stated that it is similar to the State of Delaware's rainy day fund. They have a 2% cap on their budget and the excess 2% goes into their rainy day fund for what it implies. When there is a year where your budget is under pressure and you are not getting the revenues that were expected or when you have a year that there is a catastrophe, this fund would be used.

Town Administrator Brought asked if when developers start the larger developments was there a way to get fees from them to go into these funds, for the police, fire department, or the streets. Vice-Mayor Chandler stated that his view was to adopt these Ordinances first and then have a session that the Council would consider adjusting fees for large developments as they would have particular infrastructure pressures brought with them. A building permit fee for a single residence is "x", but if you are going to build 250 homes it is "x+1" and the "+1" is dedicated to one of these funds or split between them. He stated that step 1 is creation of the funds through the Ordinances and adopting those. Step 2 would be tweaking our Ordinance on building permit fees. We would need to decide what size

development triggers that extra fee whether it is 10 homes, 100 homes, or a graduated thing. He felt that we need input from Engineering Consultant Gulbranson and Town Solicitor Morris.

Councilwoman Ulrich stated that we need separate accounts setup for these. She stated it makes sense to have money set aside as there is bound to be issues with roads. Town Administrator Brought stated that right now all of the Municipal Street Aid goes to street lights. Vice-Mayor Chandler stated the plan is designed to create a fund where you could make Town improvements. Mayor Baull agreed and felt that it was a great idea and asked for it to be put on the agenda for November. Town Administrator Brought stated that she had to advertise fifteen (15) days for the Public Hearing. Vice-Mayor Chandler stated that there are some blanks that we will need to advise Town Solicitor Morris on as far as what to put in those blanks. For example, the initial deposit amount in the Emergency Trust Fund, Section 127-3 Funding, talks about an initial deposit. He suggested \$25,000 from one of the Towns CD's. Town Administrator Brought stated that the Real Estate Transfer Fund is huge, which she would be pulling at some point to do a CD so instead we could put money toward this fund. Vice-Mayor Chandler stated that the \$25,000 would go into the street repair/replacement fund. It already has an amount in the account and Town Solicitor Morris would insert that in there.

Vice-Mayor Chandler stated to Town Administrator Brought that in regard to the Good Standing Fund and the appeal process, you have to give written notice of denial and if you don't and ten (10) days go by, then they are entitled to demand the permit.

VIII. PUBLIC COMMENT

No public comment was made.

IX. ADJOURNMENT

Councilman Miller made a motion to adjourn. Councilwoman Ulrich seconded the motion. The vote was 4-0 with one council member absent.

Meeting adjourned at 6:36 p.m.

Respectfully Submitted,

Stacy West, Town Clerk